IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 28592 of 2006(D)

PETITIONER:

SOBIN SEBASTIAN,
KOONAMMARUTHUMKAL, MELUKAVUVATTOM P.O.,
KOTTAYAM DISTRICT-686 652.

BY ADV. SRI.P.GOPINATH

RESPONDENTS:

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1. THE COMMISSIONER FOR ENTRANCE EXAMINATION, OFFICE OF THE COMMISSIONER FOR ENTRANCE EXAMINATION, THIRUVANANTHAPURAM.

2. M.A.COLLEGE OF ENGINEERING, KOTHAMANGALAM, REP.BY ITS PRINCIPAL.

3. MAHATMA GANDHI UNIVERSITY COLLEGE OF ENGINEERING, THODUPUZHA, REP.BY ITS PRINCIPAL.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
STANDING COUNSEL SRI.V.A.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, ALONG WITH WPC NO. 30361 OF 2006, WPC NO. 29832 OF 2006, WPC NO. 29828 OF 2006, WPC NO. 29850 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)Nos.28592, 29828, 29850,
29832 & 30361 OF 2006

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Dated this the 30th day of November 2006

JUDGMENT

In all these cases, filed by Engineering College students, challenge is against irregular allotments made by the Entrance Examination Commissioner to various colleges under the control of the Government. After a preliminary hearing, I am satisfied that there is irregularity in the seats allotted to respondent students over whom petitioners have better claim by virtue of higher rank obtained by them.

2. Government Pleader tried to justify the mistakes based on various reasons. Whatever be the reason for the anomalies that happened aggrieved students have to be redressed of their grievances. In many cases, students have got admissions in the subjects of their choice. But the dispute is with regard to denial of free seats in as much as petitioners are liable to pay full fee while students with lower ranks enjoy the benefit of fee concession. Probably by granting fees concession, atleast some of the petitioners', problem could be solved. If cases have to be decided

by this court, the legality and propriety of admissions given to the students in the respondents side with reference to petitioners will have to be considered based on their relative merits and certainly this involves issue of notices to all of them which will lead to delay in setting right the anomalies.

3. I feel the matter could be settled at the Government level without disturbing admitted students by either sanctioning additional few seats in Government controlled colleges or by providing additional free seats in the colleges where the petitioners have secured admissions. Since relaxation and sacrifices of this nature have to come from Government side, I feel the matter can be left to be decided by the Government. If it is not possible reallotments have to be made wherever irregularity is noticed.

4. Accordingly, all the writ petitions are disposed of directing the Secretary, Higher Education Department, Government of Kerala to settle the dispute among the students in consultation with concerned college and in co-ordination with the Entrance Examination Commissioner at the earliest. Fresh complaints

reaching Entrance Examination Commissioner also should be referred to the Secretary, Higher Education Department, Government of Kerala for decision. Petitioners shall produce copy of judgment along with copy of writ petition before the the Secretary, Higher Education Department, Government of Kerala for decision. Final decision in respect of complaints will be taken within six weeks from the date of receipt of a copy of this judgment.

Writ petitions are disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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